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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,275	07/09/2001	Arnd Krusche	282845US8X	7558
22850 7590 10/18/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER
			NOTIFICATION DATE 10/18/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/901,275

Applicant(s)

KRUSCHE ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 2 August 2007 have been received and entered. Claims 48-69 as amended are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 48-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft® Windows (hereinafter "Windows"), copyright 1998 (Screenshot 1) and Wendorf et al. U.S. Patent 7,257,821 (hereinafter "Wendorf").

Referring to claims 48, 55 and 62, Windows teaches a method, man-machine interface and computer program comprising generating icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal and menus including the functions which are operable with the associated network devices (Screenshot 2 shows the display of a plurality of icons representing devices that are connected and available to the computer network, for example, an Audio CD player that is capable of reproducing/playing audio CDs); at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network devices in the network (the icons representing the devices are shown in a hierarchical tree display in Screenshot 2; each of the

Art Unit: 2173

devices have a menu of available functions associated with it, as shown in Screenshot 3, that can be shown by right-clicking on the device icon); receiving a selection of a network device by a user selecting one of the displayed icons (for example, selection of the Audio CD device icon, as shown in Screenshots 3 and 4); selectively displaying the menu of a selected network device, the menu including the functions which are operable with the selected network device (a menu of available functions such as "Play" are displayed upon user selection via right-clicking the corresponding device icon, as shown in Screenshots 3 and 4); receiving a selection of a function in the selectively displayed menu (users can select any of the functions displayed in the menu shown in Screenshot 3, such as the "Play" function); and controlling the network device to execute the selected function (the network device, i.e. CD player will execute the function of the playing the CD upon selection of the "Play" function in the menu shown in Screenshot 3), wherein the execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the network (upon user selection of the "Play" function, the selected network device of the Audio CD player will play the data stream, i.e. a particular track selected on the providing network device, i.e. the computer, as shown in Screenshots 6-8). However, although Windows teaches devices connected to a network, Windows fails to explicitly teach that the devices connected to a network are home devices connected to a home network and controlled to execute functions based on a respective one of the protocol standards. Wendorf teaches controlling a plurality of devices connected to a network (Wendorf: column 1, lines 4-6) similar to that of Windows. In addition, Wendorf further teaches controlling home devices connected to a home network based on a respective one of different protocol standards (the

Art Unit: 2173

communication system of the in-home network operates the in-home devices using predetermined home protocols) (Wendorf: column 1: lines 40-49), and wherein execution of the selected function results in a data stream of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network (a user can program his home VCR from his remote office PC, i.e. data signals are sent from the user's office to the user's home network) (Wendorf: column 1, lines 12-17). It would have been obvious to one of ordinary skill in the art, having the teachings of Windows and Wendorf before him at the time the invention was made, to modify the interface for displaying a hierarchical view of devices connected to a network of Windows to include the control of a home network from a remote location via protocol standards of Wendorf, in order to obtain an interface that displays a hierarchical view of home devices connected to a home network. One would have been motivated to make such a combination in order to allow users to easily monitor and control aspects of his or own home remotely; this combination further enables communication from a remote device to devices in an in-home network in a user-friendly manner (Wendorf: column 1, lines 34-39).

Referring to claim 63, Windows teaches a method comprising generating icons of the network devices having a plurality of functions regarding a reproducing and/or recording of an audio/video signal and menus including the functions which are operable with the associated network devices (Screenshot 2 shows the display of a plurality of icons representing devices that are connected and available to the computer network, for example, an Audio CD player that is capable of reproducing/playing audio CDs); at least partially displaying the generated icons with a hierarchical structure so as to show a relationship of network connections of the network

Art Unit: 2173

devices in the network (the icons representing the devices are shown in a hierarchical tree display in Screenshot 2; each of the devices have a menu of available functions associated with it, as shown in Screenshot 3, that can be shown by right-clicking on the device icon); receiving a selection of a network device by a user selecting one of the displayed icons (for example, selection of the Audio CD device icon, as shown in Screenshots 3 and 4); selectively displaying the menu of a selected network device, the menu including the functions which are operable with the selected network device (a menu of available functions such as "Play" are displayed upon user selection via right-clicking the corresponding device icon, as shown in Screenshots 3 and 4); receiving a selection of a function in the selectively displayed menu (users can select any of the functions displayed in the menu shown in Screenshot 3, such as the "Play" function); and controlling the network device to execute the selected function (the network device, i.e. CD player will execute the function of the playing the CD upon selection of the "Play" function in the menu shown in Screenshot 3). However, although Windows teaches devices connected to a network, Windows fails to explicitly teach that the devices connected to a network are home devices connected to a home network and controlled to execute functions based on a respective one of the protocol standards. Wendorf teaches controlling a plurality of devices connected to a network (Wendorf: column 1, lines 4-6) similar to that of Windows. In addition, Wendorf further teaches controlling home devices connected to a home network based on a respective one of different protocol standards (the communication system of the in-home network operates the in-home devices using predetermined home protocols) (Wendorf: column 1: lines 40-49). It would have been obvious to one of ordinary skill in the art, having the teachings of Windows and Wendorf before him at the time the invention was made, to modify the interface for displaying a

hierarchical view of devices connected to a network of Windows to include the control of a home network from a remote location via protocol standards of Wendorf, in order to obtain an interface that displays a hierarchical view of home devices connected to a home network. One would have been motivated to make such a combination in order to allow users to easily monitor and control aspects of his or own home remotely; this combination further enables communication from a remote device to devices in an in-home network in a user-friendly manner (Wendorf: column 1, lines 34-39).

Referring to claims 49, 56 and 64, Windows, as modified, teach wherein the network devices include all compatible devices that are connected to the home network (the Microsoft Windows Explorer display shown in Screenshot 2 shows all of the devices, software and functions currently associated with, connected to, and therefore compatible with the computer system).

Referring to claims 50, 57 and 65, Windows, as modified, teach wherein the home network further includes one or more sub-networks integrated into the home network via a bridge (Screenshot 2 of Windows shows the hierarchical display of sub-networks within the network, such as sub-networks "C:" and "Removable Disk (D:)" under the network "My Computer"; furthermore, the above mentioned sub-networks of "C:" and "Removable Disk (D:)" are higher in the hierarchical display than multimedia devices and services such as "Audio CD (E:)" and "Printers"; Wendorf teaches the integration of networks with the use of a bridge, as recited in column 1, lines 21-24).

Referring to claims 51, 58 and 66, Windows, as modified, teach the hierarchical view is organized according to the kind of sub-networks connected to the network (the sub-networks are

Art Unit: 2173

grouped according to the kind of devices within it; for example, the hierarchical view of the network "My Computer" contains the separate sub-networks of "3½ Floppy (A:)", "(C:)", "Removable Disk (D:)" etc., as shown in Screenshot 2).

Referring to claims 52, 59 and 67, Windows, as modified, teach wherein the selected function in the displayed menu is a "send to" function (the seventh function down on the menu shown in Screenshot 3 shows the availability of a "send to" function).

Referring to claims 53, 60 and 68, Windows, as modified, teach selecting a providing network device (Windows teaches that the computer that the CD player, printer, etc. are connected to is selected as the host for the connected devices, i.e. is the providing network device; furthermore, Wendorf teaches that a device such as a PC or set top box can be selected to control the home network devices remotely, as recited in column 6, lines 49-60).

Referring to claims 54, 61 and 69, Windows teaches selecting an audio/video signal stored on the selected providing network device (the user controls audio/video signals of an in-home network device, such as a VCR via an interface and/or control application that is downloaded to his remote device) (Wendorf: column 6, lines 49-60).

Response to Arguments

3. Applicant's arguments with respect to claims 48-69 have been considered but are moot in view of the new ground(s) of rejection:

4. The applicant argues that WinNT and Myer fail to teach controlling a network device to execute a selected function based on a respective one of the protocol standards and a data stream

Art Unit: 2173

of an audio/video signal stored in a providing network device being sent from the providing network device to the selected network device via the home network. The examiner respectfully asserts that the new ground of rejection of WinNT and Wendorf teaches the subject limitations. Specifically, Wendorf teaches an in-home network in which in-home network devices are operated from a remote device using predetermined protocols, as recited in column 1, lines 40-49; furthermore, Wendorf teaches that the user can control a home network device such as a VCR from a remote location/device, such as his office PC or a mobile phone by downloading an interface to his remote device in order to program his VCR. using the home network, as recited in column 1, lines 13-18 and column 6, lines 49-60.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

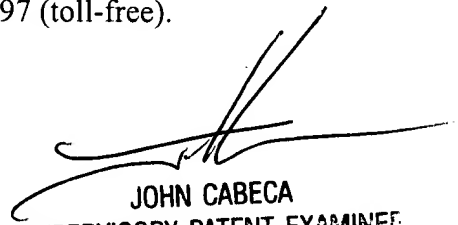
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ


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